

DMP:whc  
F#: 2018R00019

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

IN RE: GRAND JURY SUBPOENA TO  
MICROSOFT CORPORATION

TO BE FILED UNDER SEAL

**Application for Non-Disclosure Order  
Pursuant to 18 U.S.C. § 2705(b)**

No. 19 MC **1413**

**APPLICATION FOR ORDER COMMANDING MICROSOFT CORPORATION NOT  
TO NOTIFY ANY PERSON OF THE EXISTENCE OF SUBPOENA**

The United States requests that the Court order MICROSOFT CORPORATION not to notify any person (including the subscribers and customers of the account(s) listed in the subpoena) of the existence of the subpoena attached to the proposed order (the “Order”) submitted herewith for a period of one year from the date of the Order.

MICROSOFT CORPORATION is a provider of an electronic communication service, as defined in 18 U.S.C. § 2510(15), and/or a remote computing service, as defined in 18 U.S.C. § 2711(2). Pursuant to 18 U.S.C. § 2703, the United States obtained the attached subpoena, which requires MICROSOFT CORPORATION to disclose certain records and information to the United States. This Court has authority under 18 U.S.C. § 2705(b) to issue “an order commanding a provider of electronic communications service or remote computing service to whom a warrant, subpoena, or court order is directed, for such period as the court deems appropriate, not to notify any other person of the existence of the warrant, subpoena, or court order.” *Id.*

In this case, such an order would be appropriate because the attached subpoena relates to an ongoing criminal investigation that is neither public nor known to the targets of the

investigation, and there is reason to believe that its disclosure will alert the targets to the ongoing investigation. Specifically, the account listed in the subpoena is believed to be used by an individual who is the target of the investigation, who is at large, and who does not yet know of the investigation. Accordingly, there is reason to believe that notification of the existence of the attached subpoena will seriously jeopardize the investigation, including by giving targets an opportunity to flee or continue flight from prosecution, destroy or tamper with evidence, change patterns of behavior or intimidate potential witnesses. *See* 18 U.S.C. § 2705(b). Some of the evidence in this investigation is stored electronically and can be completely and permanently erased. Some of the evidence in this investigation involves communications that can be transferred to alternate platforms (including encrypted platforms and platforms beyond the jurisdictional reach of U.S. legal process). If alerted to the existence of the subpoena, there is reason to believe that the targets under investigation will destroy that evidence and change their patterns of behavior.

WHEREFORE, the United States respectfully requests that the Court grant the proposed Order directing MICROSOFT CORPORATION not to disclose the existence or content of the subpoena attached to the proposed Order for the period of one year, except that MICROSOFT CORPORATION may disclose the subpoena to an attorney for MICROSOFT CORPORATION for the purpose of receiving legal advice.

The United States further requests that the Court order that this application and any resulting order be sealed until otherwise ordered by the Court. As explained above, these documents discuss an ongoing criminal investigation that is neither public nor known to all of the targets of the investigation.

Accordingly, there is good cause to seal these documents because their premature disclosure may seriously jeopardize that investigation.

Dated: Brooklyn, New York

May 29, 2019

RICHARD P. DONOGHUE

United States Attorney

Eastern District of New York

By:



Douglas Prayda

Assistant United States Attorney

718-254-6268

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

IN RE: GRAND JURY SUBPOENA TO  
MICROSOFT CORPORATION

TO BE FILED UNDER SEAL

No. 19 MC **1413**

**ORDER**

The United States has submitted an application pursuant to 18 U.S.C. § 2705(b), requesting that the Court issue an Order commanding MICROSOFT CORPORATION, an electronic communication service provider and/or a remote computing service, not to notify any person (including the subscribers and customers of the account(s) listed in the subpoena) of the existence of the attached subpoena for a period of one year from the date of this Order.

The Court determines that there is reason to believe that notification of the existence of the attached subpoena will seriously jeopardize the investigation, including by giving targets an opportunity to flee or continue flight from prosecution, destroy or tamper with evidence, change patterns of behavior or intimidate potential witnesses. *See* 18 U.S.C. § 2705(b).

IT IS THEREFORE ORDERED under 18 U.S.C. § 2705(b) that MICROSOFT CORPORATION shall not disclose the existence of the attached subpoena, or this Order of the Court, to the listed subscriber or to any other person, for a period of one year from the date of this Order, except that MICROSOFT CORPORATION may disclose the attached subpoena to an attorney for MICROSOFT CORPORATION for the purpose of receiving legal advice.

IT IS FURTHER ORDERED that the application and this Order are sealed until otherwise ordered by the Court.

Dated: Brooklyn, New York  
May 29, 2019

/s/Ramon E. Reyes, Jr.

UNITED STATES MAGISTRATE JUDGE  
Eastern District of New York

F. # 2018R00019

AO 110 (Rev. 06/09) Subpoena to Testify Before a Grand Jury

19MC1413

UNITED STATES DISTRICT COURT  
for the  
Eastern District of New York

SUBPOENA TO TESTIFY BEFORE A GRAND JURY

To: Microsoft Corporation, Attn: Online Services Custodian of Records, 1 Microsoft Way, Redmond, WA 98052  
Fax: 425-708-0096  
Email: uslereg@microsoft.com

**YOU ARE COMMANDED** to appear in this United States district court at the time, date, and place shown below to testify before the court's grand jury. When you arrive, you must remain at the court until the judge or a court officer allows you to leave.

Place: U.S. District Court, Eastern District of New York 225 Cadman Plaza East, 5th Floor, Room N547 Brooklyn, New York 11201	Date and Time: June 7, 2019 at 9:30 a.m.
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You must also bring with you the following documents, electronically stored information, or objects (*blank if not applicable*):



PLEASE SEE ATTACHED RIDER

Date: May 24, 2019

**DOUGLAS C. PALMER**  
CLERK OF COURT

A blue ink signature of Douglas C. Palmer, written in a cursive style, is written over a horizontal line. Below the line, the text "Signature of Clerk or Deputy Clerk" is printed.

The name, address, e-mail, and telephone number of the United States attorney, or assistant United States attorney, who requests this subpoena, are:

Assistant U.S. Attorney Douglas Pravda, U.S. Attorney's Office, Eastern District of New York  
271-A Cadman Plaza East, Brooklyn, New York 11201  
douglas.pravda@usdoj.gov  
(718) 254-6268

AO 110 (Rev. 06/09) Subpoena to Testify Before Grand Jury (Page 2)

**PROOF OF SERVICE**

This subpoena for *(name of individual or organization)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

May 23, 2019

**RIDER**

Microsoft Corporation  
Attn: Online Services Custodian of Records  
1 Microsoft Way  
Redmond, WA 98052  
Fax: 425-708-0096  
Email: [uslereg@microsoft.com](mailto:uslereg@microsoft.com)

Please provide subscriber information for the user(s) associated with the following Skype and Hotmail accounts:

**Name: Sara Sarfraz**  
**Username: sara\_sz212**  
**Username: sara\_sx212**  
**Email: sara\_sz212@hotmail.com**  
**Email: sara\_sx212@hotmail.com**  
**Email: begumjan01@aol.com**  
**Telephone: 347-543-9284**

Please provide all non-content information, including:

1. Subscriber's name and screen name(s);
2. Any and all identifying information (including, but not limited to, gender and any date of birth information);
3. Subscriber's telephone number or instrument number, any and all other contact information;
4. Subscriber's email address and any alternate email address(es);
5. Subscriber's address;
6. Billing information (including means and source of payment (any credit card or bank account number); account status, length of account activation (date account opened and closed));
7. Internet Protocol (IP) address from which the account was opened, type of service, forwarding email addresses, and special requested services; and all records of session times and duration, including any temporarily assigned network address.
8. Toll records.

The point of contact for this request is Special Agent RoShunda Council, Federal Bureau of Investigation, 504 W. Hamilton Street, Suite 2401, Allentown, PA 18101; Tel: 610-782-8202; Fax: 610-782-8232. **Electronic copies are preferred and can be emailed to [rscouncil@fbi.gov](mailto:rscouncil@fbi.gov).**